BEVERIDGE & DIAMOND PC

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Via Email

Thanne Cox, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street
San Francisco, CA 94105

Re: Yosemite Slough Superfund Site, San Francisco, California

Dear Thanne:

On behalf of the Yosemite Slough PRP Group (the "Group"), I write to follow-up regarding EPA's continued investigation of the sources of contamination to the Yosemite Slough Superfund Site (the "Site"), and specifically to address the historic Buckeye Properties site located at 1296 Armstrong Avenue, San Francisco, California (the "Buckeye Properties Site"). As explained more fully below, the Response to EPA's 104(e) Request related to the Buckeye Properties Site by RWD Associates, LLC ("RWD"), the current owner, particularly when considered in light of the sampling data recently reported in EPA's May 2011 Yosemite Creek Sediment Removal Assessment Report (the "2011 Sediment Report"), indicates that contamination in the slough sediments, including PCBs, likely originated from the Buckeye Properties Site. Based on this information, the Group respectfully requests that EPA issue a General Notice Letter to RWD naming it as a PRP at the Yosemite Slough Superfund Site.

The Buckeye Properties Site covers roughly seven acres on two blocks located along the south shore of Yosemite Slough. *See* Buckeye Properties CERCLA Preliminary Assessment, December 7, 1990 ("Buckeye PA") at 2 (attached hereto as Attachment "A"); *see also* Buckeye Properties CERCLA Site Inspection Report, June 14, 1993 ("Buckeye SI Report") at Figure 5-1 (attached hereto as Attachment "B"). The Buckeye Properties Site was created by filling tidal flats between approximately 1943 and 1955, *see* Buckeye PA at 2, and has a long history of mixed industrial uses. *See* Buckeye SI Report at 3-4 to 3-5.

According to EPA's 1990 CERCLA Preliminary Assessment, during installation of a sewer line under Armstrong Ave. by the San Francisco DPW in 1986, various types of contamination were found in the groundwater and soil beneath the Buckeye Properties Site. *See*

Buckeye PA at 5. Notably, PCB contamination as Aroclor 1260 was found at a concentration of 3.7 mg/kg in a monitoring well located near the northwest corner of Armstrong Ave. and Hawes Street.[1] *Id*. Cadmium and benzene also were found in groundwater samples, and TPH, cadmium and lead were found in soil samples. *Id*.

Our review of sampling data reported in the 2011 Sediment Report indicates that the location of the PCBs as Aroclor 1260 found on the Buckeye Properties Site appear to be consistent with nearby hits of Aroclor 1260 close to the head of the slough at sampling locations YC-003 and YC-008. These hits are shown as an apparent hot spot at the 1-2 foot sampling depth on the Aroclor 1260 Contour Profile attached as Figure 5 to the 2011 Sediment Report. (The Contour Profile is attached hereto as Attachment "D").

Moreover, in addition to reporting the existence of contamination, including PCBs, at the Buckeye Properties Site, EPA's Buckeye Preliminary Assessment also noted that releases of this contamination to nearby Bay waters (*i.e*., Yosemite Slough) were likely: "The likelihood of release to surface waters appears to be high due to the potential to release by overland flow, by flood, and by leaching of contaminated groundwater into San Francisco Bay." Buckeye PA at 6. The Preliminary Assessment also recognized that that, "[s]urface water may easily run off the site into the San Francisco Bay due to several factors," and that "contaminated groundwater within the fill area could migrate through tidal influence into the San Francisco Bay." *Id*. at 7.

EPA followed-up on the Buckeye Preliminary Assessment with a CERCLA Site Inspection in 1993. "After reviewing the [Preliminary Assessment], EPA decided that further investigation of the Buckeye Properties site would be necessary to more completely evaluate the site using EPA's Hazard Ranking System (HRS) criteria." Buckeye SI Report at 1-1. Although the Buckeye Site Inspection Report did not cite the earlier PCB findings reported in the Preliminary Assessment, it recognized that soil and groundwater beneath the Buckeye Properties Site was contaminated with a variety of contaminants, including metals and hydrocarbons. *Id*. at 4-1 to 5-8. EPA's Inspection Report also states, "[b]ecause of the proximity of the [Buckeye Properties] site to the inlet [Yosemite Slough], the contamination of groundwater, and the known communication between groundwater and surface water, it is likely that contaminants beneath the site have migrated to surface-water sediments." *Id*. at 5-11.

Along with the migration mechanisms discussed above, the installation of the sewer lines under Armstrong Ave. and Hawes Street by the San Francisco DPW likely created a preferential pathway for contamination at the Buckeye Properties Site to reach Yosemite Slough. A Phase I Report dated March 20, 1990 regarding the Buckeye Properties Site states, "the porous backfill of the sewer and outfall basin may provide for migration of contamination around the perimeter of the subject property, and may provide for an exposure pathway to aquatic life in South Basin,

[1] This monitoring well is shown as OW-3 on the Location Map attached as Plate 14 to the Phase I Report for Property located in San Francisco, CA, dated March 26, 1990 (the "Phase I Report") (attached hereto as Attachment "C") and the Certificate of Analysis for the PCBs sample is included in Attachment D to the Phase I Report.

if any." Phase I Report at 4. Indeed, the Contaminant Distribution Map attached as Plate 15 to the Phase I Report shows that the estimated extent of the contaminant plume tracks the sewer lines to very near the south shoreline of Yosemite Slough. In addition, an areal photo of the slough included with the Buckeye Properties Response to EPA's 104(e) Request shows apparent construction work located in the slough in the vicinity of the PCB Aroclor 1260 hot spot identified in the 2011 Sediment Report. *See* Areal Photo of Yosemite Slough Area (attached hereto as Attachment "E").

None of the contamination present at the Buckeye Properties Site — including PCBs as Aroclor 1260 —appears ever to have been remediated. As discussed above, investigations of the Buckeye Properties Site concluded that contaminants likely migrated to Yosemite Slough. That conclusion some twenty years ago appears to have been confirmed by the recent sediment sampling data, which shows a hot spot of PCBs as Aroclor 1260 near where the sewer line was installed at the Buckeye Properties Site and the slough. In light of the foregoing, the Group respectfully requests that EPA issue a General Notice Letter to RWD, the current owner of the Buckeye Properties Site, naming it as a PRP at the Yosemite Slough Superfund Site.

Sincerely,

Nicholas W. van Aelstyn

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Enclosures